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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIAN LI WANG, CHUAN GUI CHEN, MIN CHEN,
MIN LIANG CHEN, JIN XIAN HE, FENG LI, DAO
GENG LIN, HONG XIA LIN, JIAN JI LIN, YAN GUI
LIN, RONG ZHENG, CHANG XING ZOU, GUAN
DEN CHEN a/k/a GUAN DENG CHEN, and MIN
QUAN LIN,

Plaintiffs,

-against-

2850 BROADWAY RESTAURANT, INC. d/b/a TOMO
SUSHI AND SAKE BAR, 2955 BWAY CORP. d/b/a
CAFFE SWISH, d/b/a VINE SUSHI & SAKE, BU YAO
PA LLC d/b/a VINE SUSHI & SAKE, VINE SUSHI &
SAKE, NO. 1 MAPLE FOODS CORP., MAY KWAN
SI, INC., TSU YU WANG, LUNG HUA LIN, LIN
ZHENG LIN, YUE HOW LOKE, CHEF NO. 1 (a/k/a
FUJI-SAN), CHIH CHOU YU, CHIOU HUEY CHEAH
(a/k/a CINDY), SUPERVISOR NO. 2, TOMMY SZE
(a/k/a TOMMY), SUPERVISOR NO. 4 (a/k/a MANDY),
and BENNY BING TONG LI (a/k/a BEN),

Defendants.

No. 08-CIV-8936 (RJS) (FM)

**MODIFIED
CASE MANAGEMENT
PLAN AND SCHEDULING
ORDER ECF**

RICHARD J. SULLIVAN, District Judge:

The Court hereby adopts this Modified Case Management Plan and Scheduling Order in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure. The Case Management Plan and Scheduling Order dated February 24, 2009 is incorporated herein by reference.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).

2. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than **September 15, 2009**.

3. All *fact* discovery is to be completed no later than **January 29, 2010**.

4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:

- a. Initial requests for production of documents to be served by **September 30, 2009**.
- b. Interrogatories to be served no later than **September 30, 2009**.
- c. Depositions to be completed by **December 24, 2009**.
 - i. Depositions may be held before all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as a plaintiff or defendant.
 - iii. Third-party depositions may be held at any time.
- d. Requests to Admit to be served no later than **Dec. 30, 2009**.

5. All expert disclosures, including reports, production of underlying documents and depositions are to be completed by

- e. Expert(s) of Plaintiff(s): **January 29, 2009**.
 - f. Expert(s) of Defendant(s): **January 29, 2009**.
6. All discovery is to be completed no later than **January 29, 2010**.

TO BE COMPLETED BY THE COURT:

7. [Other directions to the parties:]

pm Letter(s) by 2/2/10; Response(s)
by 2/5/10. Plaintiffs shall file the
Second Amended Complaint by 7/24/09.

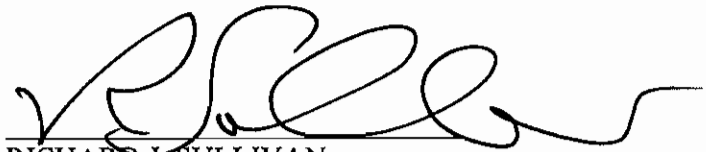
8. The post-discovery status conference is scheduled for February 17,

2010 at 9:15 am

SO ORDERED.

DATED: New York, New York

July 22, 2009



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE